

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

PETRU-AURELIAN SIMIONESCU, }
Plaintiff, }
v. } CIVIL ACTION NO.
THE BOARD OF TRUSTEES OF THE } 10-AR-1518-S
UNIVERSITY OF ALABAMA, et al., }
Defendants. }

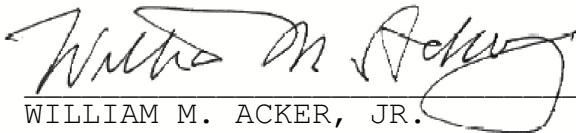
MEMORANDUM OPINION

The court has for consideration the motion of defendant, The Board of Trustees of the University of Alabama ("Board"), to dismiss all state law claims, apparently conceding that plaintiff, Petru-Aurelian Simionescu, has stated a claim under Title VII against said defendant, his former employer. The Board is immune as to all state law claims, both under state sovereign immunity and the Eleventh Amendment. The court also has for consideration the motion of enumerated named defendants, sued as individuals and in their official capacities. They are not employers as that term is employed in Title VII, which is the only federal statute invoked by plaintiff. Perhaps the *pro se* plaintiff did not intend to sue them under Title VII. He seems to concede in his filings of August 27, 2010, that he cannot proceed against the individuals under any federal statutory theory. The other claims against the individuals, whether sued in their individual capacities or in their official capacities, do not meet the pleading standard of

Ashcroft v. Iqbal, 29 S.Ct. 1937 (2009). To require an answer from these individuals to this disorderly complaint would be to ask them to perform a miracle. Although *pro se* plaintiffs are cut some slack, they must do more than ask a defendant to be a mind reader, and must state a claim that has colorable merit. This complaint does not.

The court finds defendants' motions well taken. They will be granted by separate order.

DONE this 30th day of August, 2010.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE